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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,641	04/15/2004	Kevin Scott Smith	UNCC 02-020	9020
44231	7590	08/25/2005	EXAMINER	
KILPATRICK STOCKTON LLP - 46872			GATES, ERIC ANDREW	
J. STEVEN GARDNER			ART UNIT	PAPER NUMBER
1001 WEST FOURTH STREET				
WINSTON-SALEM, NC 27101			3722	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/825,641	SMITH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Eric A. Gates	3722

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-16 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 15 April 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/15/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 recites the limitation "wherein the structured surface comprises a projection." It is unclear whether the Applicant is stating that the surface itself is in the form of a projection, or if the surface is covered with projections. For the purposes of examination, the latter has been assumed.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 recites the limitation "first surface" in reference to the apparatus of claim 1. There is insufficient antecedent basis for this limitation in the claim, as claim 1 does not refer to a "first surface". For the purposes of examination, "first surface" has been taken to mean the "structured surface".

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Slocum (U.S. Patent 6,280,126).
3. Per claim 1, Slocum discloses a first element 20 adapted to be coupled with a second element 50, the first element 20 comprising a structured surface 29 and the second element 50 comprising a second surface 52.
4. Per claim 2, Slocum discloses the second surface 52 comprising a receiving surface 52.
5. Per claim 3, Slocum discloses the receiving surface 52 is substantially uniform.
6. Per claim 4, Slocum discloses the structured surface 29 is adapted to be coupled with the receiving surface 52.
7. Per claim 5, Slocum discloses the structured surface 29 is engaged with the receiving surface 52.
8. Per claim 8, Slocum discloses the structured surface 29 comprises a plurality of grooves 24, 26, and 27.
9. Per claim 10, Slocum discloses a viscous fluid is disposed on the structured surface 29 through hole 25.

10. Per claim 11, Slocum discloses an apparatus comprising a first element 20 adapted to be coupled with a second element 50, the first element comprising a first surface 29; and means for damping 24, 26, and 27, the damping means 24, 26, and 27 disposed on the first surface 29 of the first element 20.
11. Per claim 12, Slocum discloses the second element 50 comprising a receiving surface 52.
12. Per claim 13, Slocum discloses the first surface 29 is adapted to be coupled with the receiving surface 52.
13. Per claim 14, Slocum discloses the first surface 29 is disposed adjacent to the receiving surface 52.
14. Claims 1, 6-7, 11, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Najima (U.S. Patent 5,143,493).
15. Per claim 1, Najima discloses a first element 1 adapted to be coupled with a second element 2, the first element 1 comprising a structured surface 4 and the second element 2 comprising a second surface 21.
16. Per claim 6, Najima discloses the structured surface 4 comprising a plurality of depressions 15.
17. Per claim 7, Najima discloses the depressions 15 to be substantially hemispherical.
18. Per claim 11, Najima discloses an apparatus comprising a first element 1 adapted to be coupled with a second element 2, the first element comprising a first

surface 4; and means for damping 15, the damping means 15 disposed on the first surface 4 of the first element 1.

19. Per claim 15, Najima discloses the damping means 15 comprising a plurality of depressions 15 disposed on the first surface 4.

20. Per claim 16, Najima discloses the depressions 15 to be substantially hemispherical.

21. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rivin (U.S. Patent 5,322,304).

22. Per claim 1, Rivin discloses a first element 40 adapted to be coupled with a second element 10, the first element 40 comprising a structured surface 48 and the second element comprising a second surface 14.

23. Per claim 9, Rivin discloses the structured surface 48 comprising projections 46.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyazawa (U.S. Patent 6,599,068) discloses a tool holder including a plurality of elastic engagement pieces arrayed along the outer perimeter of a shank.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-

5498. The examiner can normally be reached on Monday-Thursday 7:00-4:30 & alt Fridays 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric A. Gates  
Patent Examiner  
Art Unit 3722

  
EAG  
16 August 2005

  
BOYER D. ASHLEY  
PRIMARY EXAMINER